IN THE UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF TEXAS CORPUS CHRISTI DIVISION

MARIA D. CONTRERAS, as	§
Representative of the ESTATE OF	§
GERARDO CONTRERAS; and	§
JOSE A. CONTRERAS	§
	§
V.	§ CIVIL ACTION NO: 2:19-cv-00133
	§ JURY TRIAL
CITY OF CORPUS CHRISTI, TEXAS;	Š
PEDRO YBARRA, Individually;	§
LONNIE JACKSON, Individually;	§
PHILIP MARTINEZ, Individually;	§
JERRY LOCKHART, Individually;	§
DANA ROBBINS, Individually;	§
JOHN/JANE DOE #6, Individually;	§
JOHN/JANE DOE #7, Individually; and	§
JOHN/JANE DOE #8, Individually	§

PLAINTIFFS' OPPOSED STIPULATION OF DISMISSAL OF ESTATE CLAIMS

TO THE HONORABLE UNITED STATES DISTRICT COURT JUDGE:

NOW COME Plaintiffs, Maria D. Contreras, *as Representative of the* Estate of Gerardo Contreras, and Jose A. Contreras, filing this, their *Plaintiffs' Opposed Stipulation of Dismissal of Estate Claims*, showing unto this honorable Court as follows:

- 1. On May 8, 2019, Plaintiffs the father of Gerardo Contreras and the Estate of Gerardo Contreras filed their *Plaintiffs' Original Complaint*, wherein Plaintiffs brought claims associated with the death of Gerardo Contreras (hereinafter "Mr. Contreras") against the City of Corpus Christi, Texas (hereinafter "City") and several "John/Jane Does" for violations of 42 U.S.C.S. §1983 (excessive force and/or medical indifference) and 42 U.S.C. §12102 (failure to accommodate a disability).
- 2. Prior to this case being filed, it was understood by the undersigned that the deceased, Gerardo Contreras (hereinafter "Gerardo"), had fathered no children and that that his mother was deceased. Accordingly, it was believed that Gerardo's "estate" would consist only of his living

father, Jose A. Contreras – the only true Plaintiff in this case.

3. During recent negotiations concerning settlement of this matter, it came to the

undersigned's attention that Gerardo did in-fact have children and that because of the existence of

those potential parties/heirs (whom the undersigned counsel do not represent), the undersigned

could not proceed with the estate claims.

4. Based on such, Plaintiffs move to dismiss the claims of Maria D. Contreras, as

Representative of the Estate of Gerardo Contreras ("The Estate"), against all defendants in this

case.

5. Defendants, who have all filed an answer, oppose such dismissal.

6. This case is not a class action and a receiver has not been appointed.

7. This action is not governed by any statute of the United States that requires an order of the

Court for dismissal of this cause.

8. Said Plaintiffs have not dismissed an action based on or including the same claim or claims

as those presented in this suit.

WHEREFORE, PREMISES CONSIDERED, Plaintiffs pray that the Court dismisses The

Estate's claims against all Defendants, without prejudice and grant all further relief, either at law

or equity, to which Plaintiffs may be justly entitled.

Respectfully submitted,

GALE LAW GROUP, PLLC

711 N. Carancahua St., Suite 514

Corpus Christi, Texas 78401

Mailing Address:

P.O. Box 2591

Corpus Christi, Texas 78403

Telephone: (361)808-4444

Telecopier: (361)232-4139

By: /s/ Christopher J. Gale

Christopher J. Gale

Southern District Bar No. 27257

Texas Bar No. 00793766

Email: Chris@GaleLawGroup.com Attorney-In-Charge for Plaintiff

By: /s/ Amie Augenstein
Amie Augenstein
Southern District Bar No. 2236723
Texas Bar No: 24085184
Email: Amie@GaleLawGroup.com
Attorney for Plaintiff

CERTIFICATE OF CONFERENCE

The undersigned counsel hereby certifies that he conferred with counsel for Defendants and that counsel for Defendant City of Corpus is opposed and that based on a lack of response from counsel for the individual defendants, they are assumed to be opposed as well.

/s/ Christopher J. Gale
Christopher J. Gale

NOTICE OF ELECTRONIC FILING

The undersigned counsel hereby certifies that he has electronically submitted for filing a true and correct copy of the above and foregoing in accordance with the Electronic Case Files System of the Southern District of Texas on the 1st day of June, 2020.

/s/ Christopher J. Gale
Christopher J. Gale

CERTIFICATE OF SERVICE

I hereby certify that on this the 1st day of June, 2020, the above and foregoing was sent to the following counsel of record by the means indicated below:

Lilia K. Castro Assistant City Attorney City of Corpus Christi-Law Department P. O. Box 9277 Corpus Christi, Texas 78469-9277

John B. Martinez Marion M. Reilly Jessica J. Pritchett HILLIARD MARTINEZ GONZALES, LLP 719 South Shoreline Blvd. Corpus Christi, Texas 78401 Via E-File Notification Via E-File Notification Via E-File Notification

Via E-File Notification

/s/ Christopher J. Gale
Christopher J. Gale